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PTO/SB/21 (11-07)

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| Application Number | 09/659,693 |
| Filing Date | September 11, 2000 |
| First Named Inventor | Sehat Sutardja |
| Art Unit | 2615 |
| Examiner Name | Andrew C. Fanders |
| Attorney Docket Number | MP0062 |

Total Number of Pages in This Submission

ENCLOSURES (check all that apply)☐ Fee Transmittal Form☐ Fee Attached☐ Amendment / Reply☐ After Final☐ Affidavits/declaration(s)☐ Extension of Time Request☐ Express Abandonment Request☐ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Response to Missing Parts/
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name Harness, Dickey & Pierce, P.L.C.

Signature

Printed name Michael D. Wiggins

Date

July 3, 2008

Reg. No.

34,754

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| | First Named Inventor | Sehat Sutardja | |
| | Art Unit | 2615 | |
| | Examiner Name | Andrew C. Fanders | |
| Total Number of Pages in This Submission | | Attorney Docket Number | MP0062 |

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| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | | | |
|--|----------------------------------|----------|--------|
| Firm Name | Harness, Dickey & Pierce, P.L.C. | | |
| Signature | | | |
| Printed name | Michael D. Wiggins | | |
| Date | July 3, 2008 | Reg. No. | 34,754 |

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| Typed or printed name | Rachael A. Overmyer | Express Mail Label No. | EM 184 988 178 US (7/3/2008) |
| Signature | | Date | July 3, 2008 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application No.: 09/659,693
Filing Date: September 11, 2000
Appellant: Sehat Sutardja
Group Art Unit: 2644
Examiner: Andrew C. Flanders
Title: METHOD AND APPARATUS FOR RECORDING AND
REPRODUCING DIGITAL DATA

REPLY BRIEF TO EXAMINER'S ANSWER

Mail Stop Appeal Brief-Patents
P.O. Box 1450
Alexandria, VA 22313-1450

July 2, 2008

Sir:

This reply brief is a reply to the Examiner's Answer mailed May 30, 2008, in the appeal from the decision of the Patent Examiner dated February 23, 2006, rejecting claims 1-23, 25, 26, 28-48, 97-112, and 169-172.

ARGUMENTS

Independent Claims 1, 11, 22, 28, and 38

Independent claim 1 recites a programmable processor which is programmed both as a storage controller to retrieve compressed media data stored in a storage device, and as a digital signal processor to decompress the compressed media data stored in a memory.

The Examiner alleges that the Birrell patent discloses a programmable processor programmed as both a storage controller and a digital signal processor. More specifically, the Examiner alleges that the CPU 102 “transfers data from disk 104 to RAM 108,” and, as such, “exerts control over disk 104.” (See Page 23, Lines 8-13 of the Answer). In other words, the Examiner alleges that the CPU 102 is “programmed as a storage controller” because the CPU 102 requests data to be transferred from the disk 104 during the play procedure. Applicant respectfully disagrees and submits that **merely initiating and/or requesting data transfers from a disk is not analogous to performing the functions of a storage controller.**

For example, the Birrell patent explicitly discloses a disk controller 106 that is distinct and separate from the CPU 102. In other words, the Birrell patent explicitly discloses **a CPU 102 and a separate disk controller 106** and fails to disclose that the CPU 102 performs any functions that are typically associated with a storage controller. In contrast, an exemplary embodiment of the programmable processor 300 shown in FIG. 3 of the present application includes a hard disk controller (i.e. a storage controller) 342. In other words, because the programmable processor 300 is also programmed as a storage controller, **a separate storage (i.e. disk) controller is not required.**

The Examiner alleges that Birrell is silent as to what the exact function of the disk controller 106 is, “but is likely that it receives control signals from the CPU to cause the disk to retrieve the data requested by CPU 102” (See Page 23, Lines 13-15 of the Answer). Applicant respectfully notes that, typically, a storage controller such as the disk controller 106 receives communication (e.g. data requests) from a processor and controls an associated storage device accordingly. In other words, the storage

controller **controls** the storage device based on, for example, data transfer requests. Applicant respectfully submits that the CPU 102 clearly relies on the disk controller 106 to function as a storage controller and that if the CPU 102 was programmed as a storage controller, it would be unnecessary to include the separate disk controller 106 in the Birrell patent.

Applicant respectfully submits that claim 1 should be allowable for at least the above reasons. Claims 11, 22, 28, and 38 should be allowable for at least similar reasons.

Dependent Claims 8, 17, 25, 35, and 44

Applicant's dependent claim 8 recites determining a compression format of media data stored in memory, retrieving the process for decompressing compressed data from the storage device (which stores the compressed media data per claim 1) in accordance with the determined compression format, and decompressing the media data in accordance with the retrieved process. In other words, **the process is retrieved from the storage device based on the determined format**. Here, the storage device is the same storage device that stores the compressed media data. More specifically, the process is i) retrieved from the storage device and ii) retrieved in response to the determination of the compression format.

The Examiner admits that the Birrell patent fails to "explicitly disclose wherein said digital signal processor determines a compression format of the media data stored in said memory and retrieving the process in accordance with the determined compression format"¹ and instead relies on the Yanagihara patent to disclose these limitations. In particular, the Examiner states that "the general controller determines the compression such as one of MPEG audio, Dolby AC-3, and Linear PCM and sets a decoder in accordance with the data received."² Applicant respectfully submits that these features are not analogous to the limitations that claim 8 recites, because Yanagihara does not disclose retrieving the process from a storage device, and, in

¹ See page 28, lines 12-14 of the February 23, 2006 Office Action.

² See page 28, lines 18-20 of the February 23, 2006 Office Action.

particular, fails to disclose **retrieving the process from a storage device based on the determined format.**

The Examiner improperly alleges that setting decoder parameters based on received control data is analogous to determining a compression format and retrieving a process based on the determined format. Applicant respectfully notes that the Yanagihara patent receives **the compressed data and the control data concurrently** from a DVD 101. Subsequently, "[t]he general controller section 21 may set a decoder, or a parameter(s) pertaining thereto, in the presentation engine 12 in accordance with the received control data." (Col. 2, lines 10-13). As such, the Yanagihara patent appears to disclose receiving the control data concurrently with the encoded media data. Assuming arguendo that the control data is the process for decompressing compressed data, the Yanagihara patent does not disclose **retrieving the decompression process in accordance with the determined compression format** (i.e. based on and/or in response to the determined compression format). Instead, the controller section 21 appears to receive the control data automatically when the encoded media data is received.

The Examiner further alleges that the Yanagihara patent was not replied upon to disclose retrieving the decompression process, and that the Birrell patent discloses this feature at Col. 5, Lines 20-25. Applicant respectfully notes that, at best, the Birrell patent discloses retrieving a single decompression process. The Examiner admits that the Birrell patent does not disclose first determining a compression format and then retrieving the process from a storage device in accordance with the determined format. Simply combining the Birrell patent with the teachings of the Yanagihara patent does not disclose this limitation because neither the Birrell patent nor the Yanagihara patent discloses **retrieving the decompression process in accordance with the determined compression format.** Applicant respectfully notes that the Birrell patent discloses retrieving a decompression procedure and the Yanagihara patent discloses automatically receiving control data concurrently with encoded media data.

Applicant respectfully submits that claim 8 should be allowable for at least the above reasons. Claims 17, 25, 35, and 44 should be allowable for at least similar reasons.

Independent Claims 169-172

Independent claim 169 recites that an output device outputs first portions of one of a plurality of selections, and that when a user selects **a particular one of said plurality of selections, said processor retrieves a remaining portion of the particular one of said plurality of selections** and said output device outputs the remaining portion of the particular one of said plurality of selections. In other words, claim 169 is directed to initially transferring a first portion of a particular selection to memory and subsequently retrieving the remaining portion **when the user selects** the particular selection.

As best understood by Applicant, and as the Examiner admits, the Birrell patent explicitly discloses retrieving the remaining portion when an amount of data in RAM (i.e. memory) **falls below a predetermined threshold**. The Examiner notes that this process is previously initiated when a user, for example, adds a song to a playlist. The Examiner alleges that because the overall process of transferring data is initiated by a user, the Birrell patent discloses transferring the remaining portion “when a user selects.” Applicant respectfully disagrees.

Applicant respectfully notes that the term “when” is defined as “at or during which time.” In other words, “when” indicates a particular **time** that an event takes place. As such, the recitation **wherein when a user selects a particular one of said plurality of selections, said processor retrieves a remaining portion** requires that the processor retrieves the remaining portion **at the time that the user makes the selection**. Here, the Examiner admits that in the Birrell patent the user is not directly responsible for the transfer. Instead, the remaining portion is transferred **at some later time** when the system determines that the data in RAM is below the threshold. Applicant respectfully notes that, depending on the size of the RAM and/or the level of the threshold, the system conceivably might not initiate the transfer of the remaining portion for a significant amount of time. As such, Applicant respectfully submits that the Birrell patent fails to disclose transferring the remaining portion **when a user selects** and instead discloses transferring the remaining portion **when the data in RAM falls below the threshold**.

Applicant respectfully submits that claim 169 should be allowable for at least the above reasons. Claims 170-172 should be allowable for at least similar reasons.

Conclusion


Appellant respectfully submits that the prior art does not teach or suggest one or more limitations of the claims as discussed above.

Should there be any outstanding matters that need to be resolved in the present application the Examiner is respectfully requested to contact Damian M. Aquino, Reg. No. 54,964 at the telephone number of the undersigned below.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By:


Michael D. Wiggins, Reg. No. 34,754
Damian M. Aquino, Reg. No. 54,964

MDW/dma

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